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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Sixtieth session

Summary record of the 1291st meeting
Held at the Palais des Nations, Geneva, on Thursday, 26 February 2015, at 10 a.m.

Chairperson: Ms. Hayashi

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Fourth and fifth periodic reports of Eritrea (CEDAW/C/ERI/4; CEDAW/C/ERI/5; CEDAW/C/ERI/Q/5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Eritrea took places at the Committee table.*

2. **Ms. Tesfamichael** (Eritrea), introducing the fourth and fifth periodic reports of Eritrea (CEDAW/C/ERI/4 and CEDAW/C/ERI/5), said that representatives of all key ministries, local government authorities, the private sector, academic institutions and civil society had contributed to the report preparation process. The process had been overseen by the National Union of Eritrean Women, which had been designated as the national machinery for the advancement of women in 1995 and had held its seventh National Congress, attended by over 400 delegates, in 2014. The National Union was supported by a network of over 300,000 women drawn from across the nation and the diaspora.

3. National laws and regulations had been revised to eliminate all provisions that violated women's rights and limited their role or participation. Particular legislative advances in the reporting period had included the adoption of Proclamation No. 158/2007, which prohibited female genital mutilation, and accession to the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Palermo Protocol), supplementing that Convention, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

4. A gender action plan had been formulated by the National Union with a view to mainstreaming gender across all government bodies. To support the plan and monitor its implementation, gender focal points had been appointed in all key ministries, including the Ministry of Health, the Ministry of Education and the Ministry of Land, Water and Environment. In the area of health, Eritrea was one of the few countries to have attained the Millennium Development Goals before the target date, having made huge progress in reducing maternal and child mortality and combating HIV/AIDS, malaria and other diseases. The country had also attained universal primary education – an advance that would greatly contribute to women's empowerment. In 2012, 73 per cent of primary school-age girls had been enrolled in education. The enrolment gap between girls and boys had narrowed to 2.9 per cent at the primary level and 4.6 per cent at the secondary level.

5. The Government applied a bottom-up approach to decision-making that ensured mass participation by women at the community level. Women now accounted for 34 per cent of village leaders and 22.5 per cent of community court judges. Leadership training programmes and awareness-raising campaigns to mobilize support for female electoral candidates would help to bring further improvements.

6. Rape and sexual harassment were viewed as immoral acts and carried severe penalties. The 2007 Proclamation outlawing female genital mutilation had reduced the prevalence of that practice to 12 per cent among girls aged under 15. Awareness-raising initiatives to eradicate the practice and other harmful traditions, including underage marriage, were ongoing.

7. Affirmative action measures included the use of quotas to bring more women into the National Assembly, the judiciary and sports federations; incentives to encourage parents in remote areas to send their daughters to school; the easing of college entrance requirements for girls; and the development of technical and vocational training courses to

bring women into non-traditional areas of employment. Young women were attending college in increasing numbers, accounting for 25.9 per cent of medical students and 22 per cent of business and economics students in 2012.

8. Eritrea faced numerous challenges in promoting gender equality, including a relatively low level of socioeconomic development, the persistence of traditional norms and stereotypical attitudes and the continued occupation of its border region. However, the Government firmly believed that modernization and increased institutional capacity would ultimately bring gender equality. The National Union of Eritrean Women would continue its unremitting efforts to fulfil the country's obligations under the Convention and guarantee the highest degree of protection for the rights and interests of women.

Articles 1 to 6

9. **Ms. Patten** asked why compulsory national service was for an indefinite period; what steps had been taken to address the sexual harassment and violence which women in national service allegedly suffered at the hands of commanding officers and peers; and how many cases of rape and sexual abuse had been investigated and prosecuted. She also wished to know what support was provided to ex-combatant women; what role women played in peacemaking; whether the State party had adopted a national action plan for compliance with United Nations Security Council resolution 1325 and subsequent resolutions dealing with women, peace and security; whether it planned to ratify the Rome Statute of the International Criminal Court; and what the Government's position was on the Arms Trade Treaty, given the proliferation of small arms in Eritrea.

10. Expressing concern about the status of the Constitution and the suspension of parliament, she asked how the State party was ensuring the rule of law in the interim period; what dictated the need for a new Constitution; how the new text would differ from the 1997 version; and whether technical assistance had been sought for the review process.

11. Citing disturbing reports of women prisoners being held under the charge of male staff in poor conditions and, sometimes, incommunicado, she asked what was being done to guarantee conditions of detention that conformed to international standards and whether the Government would be willing to grant international monitors regular, unannounced access to all facilities. The State party's views on the root causes of the refugee exodus and the action needed to stem the tide and prevent men, women and children from putting their lives at risk in leaving the country would also be appreciated.

12. **Ms. Schulz** asked how the State party guaranteed the independence, impartiality and gender sensitivity of all courts throughout the country and how judges were appointed. The stark contrasts between the statistical data presented in the State party's report and figures from other sources, including the Human Development Index published by the United Nations Development Programme (UNDP), and the Ibrahim Index of African Governance, were confusing and she would like to know the reasons for the discrepancies. She would also like to know what the State party was doing to protect the rights of Eritrean people, including their right to express themselves through parliamentary processes, in the absence of a parliament and constitution.

13. **Ms. Haidar** said that, although the national gender action plan and system of gender focal points were welcome initiatives, the National Union of Eritrean Women did not have the authority, vision or resources to ensure intersectionality and consistency in policy implementation and programme development. She urged the State party to consider establishing a national institution that had adequate powers and resources and would complement the work of the National Union. She would like information about the National Union's budget and the impact of its work in the various fields and suggested that, in future,

it should strive to become more inclusive and to strengthen the ties between State and civil society.

14. **Ms. Lijam** (Eritrea) said that compulsory national service had had a fixed 18-month term when first introduced in 1995 but that, with the outbreak of war, the Government had had no choice but to remove the time limit. The national service obligation was shortened or lifted in the event of pregnancy or illness, inter alia. The authorities would like to reinstate the 18-month limit, but for the time being national security interests dictated a continuation of the status quo.

15. The Government was proud of its ex-combatant women, who had willingly joined the struggle to emancipate the country, and sought to engage them fully in reconstruction and peace-building processes. Eritrea had been an active participant in regional peace initiatives and had hosted a number of workshops.

16. There were several detention centres for women in Eritrea, as required to enforce the law, but reports of incommunicado detention and harassment by prison guards were unfounded. The same applied to reports that Eritrea was second only to Syria as a refugee-producing country. The Constitution of 1997 remained both effective and effectual. However, the experiences of the past two decades and the needs of the future had rendered certain amendments necessary.

17. **Mr. Osman** (Eritrea) said that the Government was working to stem the outflow of refugees. Both push and pull factors were in play, the latter being especially strong in the case of young, educated Eritreans. In addition to having ratified the Palermo Protocol, Eritrea was contributing to the European Union-Horn of Africa Migration Route Initiative (Khartoum Process) and other regional forums.

18. A central aim of the justice system was to ensure access for all persons nationwide. For that reason, community courts had been established at village level. At least one of the judges on each court should be a woman.

19. The State party was not considering ratification of the Rome Statute, as it had made clear during the universal periodic review process, but was fully committed to fighting impunity and criminality. Ratification of the Arms Trade Treaty would be given due consideration.

20. The Government had no desire to maintain indefinite national service any longer than necessary, not least because of the associated financial and logistical burden. However, a demobilization effort initiated previously, following signature of the peace agreement with Ethiopia in Algiers, had proved premature. Thus no change was envisaged until peace was consolidated.

21. The 1997 Constitution had been ratified but the outbreak of war had prevented its implementation. The new text would take account of experiences and developments in the intervening years.

22. **Ms. Lijam** (Eritrea) said that the shortcomings in the national data-collection system were fully acknowledged in the report and the authorities were working to address them. The State party also acknowledged the need to review the national machinery for the advancement of women. Closer consultation with neighbouring countries was one possible way forward and the Government envisaged organizing workshops to consider how the machinery might be developed and whether a dedicated ministry of gender affairs was needed.

23. For the time being, however, the National Union of Eritrean Women was fulfilling the role of a ministry despite having no ministerial title. As affirmed in its new constitution, the Union was authorized to represent the Government of Eritrea in all domestic, regional

and international forums in safeguarding the interests and rights of Eritrean women and was mandated to coordinate, monitor and mainstream gender issues at all levels of government. Effectively, the Government had assigned responsibility for women's issues to women themselves and that system was working well, as regular evaluations had confirmed.

24. **Ms. Haidar** said that it was important for bodies such as the National Union of Eritrean Women to maintain their independence so that they could challenge government policy if necessary.

25. **Ms. Schulz** said that figures provided by the International Organization for Migration (IOM) suggested that many young Eritreans were leaving the country and she asked whether the State party would consider shortening the length of compulsory military service as a part of efforts to reverse that trend.

26. She said that no information had been provided on the possible reconvening of parliament or on parliament's role in the nation's life generally and in efforts to achieve gender equality in particular. She asked for clarification of the role of the community courts: did they administer only customary law? She wondered whether community court officials had been provided with information on the Convention and the State party's international human rights obligations. Lastly, she asked why there were discrepancies between the data produced by the Government and that originating from sources such as UNDP.

27. **Ms. Patten** said that she had not received answers to her questions on the national action plan for compliance with United Nations Security Council resolution 1325 and on the Government's stance on ratification of the Rome Statute of the International Criminal Court and the Arms Trade Treaty. She asked why the Government had refused requests to visit by the Special Rapporteur on the situation of human rights in Eritrea and other country-specific mandate holders and whether there were plans to reconsider that position. She also wondered why the Government had not cooperated with the Human Rights Council when it had decided to establish the commission of inquiry on human rights in Eritrea.

28. **Mr. Osman** (Eritrea) said that the various United Nations resolutions on Eritrea were politically motivated; furthermore, certain members of the Committee and others on the Human Rights Council were attempting to use those forums in order to further their own political agendas. The mandate of the Special Rapporteur on the situation of human rights in Eritrea had been established by governments hostile to the State party. The Government was currently considering inviting thematic mandate holders to visit Eritrea and was cooperating with the Office of the United Nations High Commissioner for Human Rights (OHCHR).

29. As to the Rome Statute, Eritrea had been involved in the drafting process but the Statute was applied in discriminatory fashion. Consequently, Eritrea had decided not to become party to that instrument.

30. Community courts applied the Transitional Penal Code of Eritrea, the Transitional Civil Code of Eritrea and other domestic legislation, as well as customary law.

31. Data provided by the Government took precedence over information originating from other sources.

32. **Ms. Lijam** (Eritrea) said that the Ministry of National Development was the sole official source of data in Eritrea. The Constitution was currently being reviewed and that process would lead to the reconvening of parliament.

33. The number of refugees leaving Eritrea would decline over the next few years. Young, well-educated people were being targeted by trafficking networks. The Government was considering plans to reduce the duration of compulsory military service to 18 months.

34. **Ms. Haidar** said that, according to alternative sources, the seats reserved for women in the district, regional and national assemblies were open only to members of the ruling political party. One way to encourage young persons to remain Eritrea would be to promote their participation in the political system.

35. **Ms. Hofmeister** said that the State party should work to abolish the patriarchal system in Eritrea and to ensure equality and gender balance in society. She asked whether studies had been carried out on female genital mutilation, early marriage, the strict enforcement of the Penal Code and the role of the judiciary. She asked about the position of women's NGOs within Eritrean society; how independent national media helped combat gender stereotyping and violence against women; whether there was any information on violence within the family, including marital rape, and whether the security forces and judicial authorities collected data on such offences.

36. **Ms. Gabr** asked whether any studies had been carried out into the root causes of trafficking in persons in Eritrea. She asked for information on the Khartoum Process and the African Union Ouagadougou Action Plan to Combat Trafficking in Human Beings. She also asked whether there were plans to hold training courses with other countries in the region for officials working in the fields of justice administration, border control and management, and to exchange best practices on victim protection and dealing with trafficking in persons.

37. She asked what the outcome of the request made by Eritrea to the Secretary-General of the United Nations for an investigation to be carried out into trafficking in persons had been; whether the Government planned to adopt a specific law on trafficking in persons; and whether Eritrea cooperated with the United Nations Office on Drugs and Crime (UNODC) or with IOM on trafficking in persons. She requested information on cases in which traffickers had been prosecuted.

38. Lastly, she asked whether there were large numbers of migrants in Eritrea; whether the State party intended to become party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; and whether the Government had any plans to set up job creation schemes for young people and funds for small and medium-sized enterprises.

39. **Ms. Leinarte** asked for additional information on the Behavioural Change and Communication Groups for women and asked whether women involved in prostitution were prosecuted under the Criminal Code.

40. **Mr. Osman** (Eritrea) said that Eritreans seeking political asylum in European countries, even those who were not fit for compulsory military service, were being given preferential treatment. Such an approach to asylum seekers merely served to fuel trafficking in persons. It was for that reason that the State party had requested the Secretary-General of the United Nations to establish an independent fact-finding mission, which would enable Eritrea to present evidence against those parties involved in trafficking. The response of the Secretary-General had been to advise Eritrea to become party to the United Nations Convention against Transnational Organized Crime. The authorities were working to bring traffickers to justice and to set up mechanisms to tackle trafficking.

41. The Khartoum Process involved the sharing of information on border issues with other African countries and the member States of the European Union, and the strengthening of Eritrean law enforcement mechanisms. The Minister for Foreign Affairs had met with representatives of IOM to discuss the problem of trafficking in persons.

42. **Ms. Lijam** (Eritrea) said that, rather than prosecuting prostitutes, the authorities targeted those who sexually exploited women and girls. Prostitutes were given training to encourage them to take up alternative professions, or given loans to start up businesses. The

Behavioural Change and Communication Groups were discussion groups where women and girls formerly involved in prostitution could talk about the problems they faced and possible solutions.

43. As to gender stereotypes and harmful traditional practices, the patriarchal system had broken down as a result of women's and girls' participation in the war of independence against Ethiopia. Following a long campaign, female genital mutilation had been prohibited but there were still isolated incidents. The overwhelming majority of girls under the age of 5 had not been subjected to infibulation. Most births now took place in hospitals and clinics and traditional birth attendants no longer carried out female genital mutilation.

44. As to the role of the media in efforts to tackle gender stereotypes, there were a number of television programmes on problems within the family and women's issues and achievements were highlighted in news reports.

45. **Mr. Osman** (Eritrea) said that, after independence, women had been granted equal status with their husbands as joint heads of the family.

46. **Ms. Lijam** (Eritrea) said that 30 per cent of seats in the various assemblies were reserved for women and 70 per cent were open to both men and women. Candidates for election to the district, regional or national assemblies did not have to be members of the ruling political party.

47. **Ms. Gbedemah** asked what penalties were applied to practitioners and facilitators of female genital mutilation. She pointed out that the Committee had asked for information on the legislation criminalizing violence against women and whether it addressed physical, psychological, economic and sexual violence. The Committee also wished to know whether provision was made for protection orders and whether there were laws on evidentiary procedures. She would like some information on legal aid in Eritrea.

48. **Ms. Gabr** said that the State party might wish to consider setting up a coordinating mechanism to help draft laws on trafficking. She asked what training officials received on victim identification and victim protection. Did the State party have any plans to improve young persons' job opportunities? That was the only way to prevent trafficking.

49. **Mr. Osman** (Eritrea) said that the Government would look into the question of incorporating the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing that Convention, into domestic legislation.

50. **Ms. Lijam** (Eritrea) said that she believed that practitioners of female genital mutilation faced terms of imprisonment of 5 to 10 years but would confirm that information in writing.

Articles 7 to 9

51. **Ms. Acar** said that she was concerned that no national elections had been held since Eritrea had gained independence. That demonstrated the absence of a truly competitive political system, and that constituted a severe impediment to women's participation in public life. Although elections were held regularly at the regional level, women remained underrepresented. She wished to know what would be done to rectify that situation. She also wondered why, despite efforts to increase the number of women in public office, very few senior posts were occupied by women. She requested clarification of the statement in the Government's written replies to the effect that any women's organization was "applauded" as long as it did not "conflict with the public interest". Although 10 per cent of Eritrean diplomats were women, there were no female ambassadors. She asked what was preventing women from representing the Eritrean Government abroad at the highest level.

52. **Ms. Schulz** asked whether there was a system of birth registration, and if so, what percentage of births were registered and how the effectiveness of the system was monitored and, if necessary, improved.

53. **Mr. Osman** (Eritrea) said that, since the report had been drafted, a woman had been appointed ambassador to France. The approach used was that women worked their way up through the system, learning as they did so, in order to ensure that they were ready to discharge their duties at the highest level. That approach would yield results in time. Women already occupied senior positions in government: the ministers for tourism, health and justice were all women. On the issue of birth registration, he said that almost all children born in Eritrea were registered at birth, since the majority of women gave birth in medical facilities.

54. **Ms. Lijam** (Eritrea) said that a national registration system was in place for all residents in Eritrea. Births and deaths were registered by regional governors. Regarding women's role in the public sector, the Government was aware of the shortcomings and considerable efforts were needed. Women voters had a significant role to play in ensuring the election of women candidates. Leadership training had been conducted to empower women to stand for election, and efforts had been made to raise public awareness of the importance of voting for them. As a result, women's representation in regional government was higher than ever, at 34 per cent.

55. **Ms. Acar** pointed out that male voters should also be encouraged to vote for female candidates. She asked how many women's organizations operated in Eritrea and what areas they worked on.

56. **Mr. Osman** (Eritrea) said that the regulations for establishing an NGO were set out in the proclamation regulating the conduct of human rights NGOs.

Articles 10 to 14

57. **Ms. Bailey** noted with particular concern that education indicators were well below the standards required to meet the State party's obligations under the Convention and achieve the Millennium Development Goals. Infrastructure at all levels of the education system was lacking, and there was a dearth of qualified teachers. Drop-out rates for girls in particular increased as they moved up the school system: only a fifth of girls of secondary school age actually attended school. The suggestion that women's participation in the adult literacy programme compensated for the absence of girls in the formal education system was not acceptable. She asked what progress had been made through the implementation of the nine-year plan to enhance access to education. She also asked whether there was a time frame for implementing the strategy to improve access to education for girls in rural communities and whether there were any enrolment targets.

58. Girls were underrepresented in higher education, and those who attended were clustered in traditionally feminized subject areas. That situation tended to propel girls into low-paid jobs and kept them economically dependent on a male breadwinner. Furthermore, the majority of teaching staff were male. She wished to know what was being done to attract more women into teaching. She wondered whether the high proportion of male teachers was a factor in the drop-out rates among adolescent females. She asked whether sexual violence in schools was a problem and if so how it was addressed. She requested clarification of the policy of compulsory military training in the final year of secondary school. She wished to know what measures were in place to ensure that girls in military training were not subject to sexual exploitation.

59. **Ms. Pomeranzi** said that the majority of women in the State party were in low-skilled, low-paid jobs. She wished to know how Labour Proclamation No. 118 enforced the principle of equal pay for work of equal value, since that was the most effective way of

eliminating discrimination against women at work. She asked whether regular labour inspections were conducted, in particular in the domestic work, mining and agricultural sectors, where women faced the most discrimination. She asked how the Government ensured that girls were not employed in hazardous and high-risk situations. She asked how women were protected against sexual abuse and harassment during national service.

60. **Ms. Schulz** said that, according to information from the World Health Organization (WHO), spending on health care in Eritrea was considerably less than in other countries in Africa. She asked how health-care programmes were managed when the budget allocation for health was so small. She was particularly puzzled by contradictions in the statistics on female genital mutilation: the State party reported that 68 per cent of girls were subject to female genital cutting, while the United Nations Children's Fund (UNICEF) reported 89 per cent. UNICEF had also reported that 60 per cent of women and girls believed that female genital cutting was a religious requirement. She wished to know which figures were accurate and said that much progress was needed.

61. She was concerned that the use of contraception had declined and asked what was being done to meet the challenges of lack of contraception and lack of protection against sexually transmitted infections. While, by law, abortions could be performed on medical advice and in cases of rape and incest, there was no specific guidance on when medical staff should recommend abortion. As a result, a high number of unsafe abortions were performed outside the health system. She therefore wished to know whether the State party intended to draft guidelines on the matter.

62. Lastly, she said the high number of children and infants dying of malnutrition was particularly alarming. The nutrition situation for pregnant and breastfeeding women was also extremely worrying. She was therefore astonished by the State party's claim to have attained the health-related Millennium Development Goals.

63. **Mr. Osman** (Eritrea) said that financial incentives were given to attract female teachers. Students in the twelfth grade studied at the SAWA training centre before taking their entrance exams for college. Labour Proclamation No. 118 prohibited discrimination and provided for equal pay for equal work.

64. **Ms. Lijam** (Eritrea) said that Labour Proclamation No. 118 provided for the establishment and operation of a labour inspection service. Gender-based discrimination in the workplace was prohibited and a board of inquiry had been set up to hear complaints from female workers who considered themselves victims of discrimination. The rights of women at work were protected under the Proclamation, and the Minister of Labour was responsible for looking into any discrimination cases reported. Any cases would then be pursued by the board of inquiry. With regard to health statistics, the Ministry of National Development published statistics on behalf of the Government. Awareness-raising campaigns were being run on national television to promote the use of contraception, and condoms were distributed free of charge in shops and hotels.

65. **Mr. Osman** (Eritrea) said that Labour Proclamation No. 118 provided for a labour tribunal to settle labour disputes and the National Confederation of Eritrean Workers was responsible for promoting workers' rights. The Ministry of Social Welfare also dealt with labour issues. There had been cases in which employers had been ordered to pay compensation to workers. The Government could not, however, be blamed in the event that cases were not brought before the correct instances.

66. **Ms. Halperin-Kaddari** said that the number of qualified doctors and midwives in Eritrea was exceptionally low and that very few doctors were women. She wished to know what was being done to address that shortage.

67. **Ms. Schulz** reiterated her concern with regard to the discrepancy between the State party's own statistics on female genital mutilation and those issued by international organizations. She would appreciate clarification in that regard. She requested more information on underage pregnancy, in particular on the ages of the girls concerned, and on what was being done to counter early pregnancy and its health implications, which were considerable.

68. **Ms. Pomeranzi** pointed out that "equal work" did not necessarily mean "work of equal value". She requested further information on labour inspections and monitoring of women's situation at work. She would also like to hear more about the situation for women in national service, in particular the State party's response to allegations of profound discrimination against women.

69. **Ms. Bailey** asked whether the fact that the majority of teachers were male had an impact on girls' participation in education. She wished to know whether sexual violence in schools was contributing to high drop-out rates.

70. **Ms. Lijam** (Eritrea) said that there had been no cases of violence against girls in school. The SAWA training centre provided a one-year programme, nine months of which focused on academic studies in preparation for college entrance, and three months of military training in preparation for national service. No information or complaints had been received with regard to sexual harassment or violence against girls in that centre. The Eritrean demographic and health survey was conducted every four years in conjunction with WHO and UNICEF and was the official source of statistical information on population and health.

The meeting rose at 1 p.m.